

**IN THE CIRCUIT COURT OF TENNESSEE  
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS**


**DELORIS HULL**

**Plaintiff,**

**v.**

**THE SEMBLER Co. and  
THE KROGER Co.,**

**Defendants.**

**FILED**  
JAN 21 2020  
CIRCUIT COURT CLERK  
BY  D.C.

No. CT-0273-20  
Div. II  
**JURY DEMANDED**

**COMPLAINT FOR DAMAGES**

**COMES NOW** your Plaintiff, Deloris Hull, by and through her undersigned attorneys, and asserts the following causes of action against the Defendants, the Sembler Company and the Kroger Company:

**PARTIES**

1. The Plaintiff, DELORIS HULL, is and was, at all times relevant to this Complaint, a resident of Shelby County, Tennessee.
2. The Defendant, THE SEMBLER COMPANY, was, at all times relevant to this Complaint, a foreign corporation doing business in Shelby County, Tennessee. It may be served through its registered agent, CT Corporation System, at 300 Montvue Road, Knoxville, Tennessee 37919-5546.
3. The Defendant, THE KROGER COMPANY, was, at all times relevant to this Complaint, a foreign corporation doing business in Shelby County, Tennessee. It may be served through its

registered agent, Corporation Service Company, at 2908 Poston Avenue, Nashville, Tennessee 37203-1312.

### **JURISDICTION & VENUE**

4. All actions complained of happened in Shelby County, Tennessee.

5. This Court has personal jurisdiction over the parties pursuant to *inter alia* Tenn. Code Ann. §§ 20-2-201, -221-223.

6. This Court has subject matter jurisdiction pursuant to Tenn. Code Ann. § 16-10-101.

7. Venue is proper in this Court pursuant to Tenn. Code Ann. § 20-4-101, *et seq.*

### **FACTUAL BACKGROUND**

8. The Plaintiff re-alleges and incorporates Paragraphs 1 through 7 as if specifically set forth verbatim.

9. On January 22, 2019, the Plaintiff, Deloris Hull, went to a store believed to be owned and operated by the Defendant, the Kroger Company, located at 4264 Summer Avenue, Memphis, Tennessee (hereinafter referred to as “the Kroger store”).

10. The location of 4264 Summer Avenue, Memphis, Tennessee is located in Shelby County, Tennessee.

11. To aid in her shopping, the Plaintiff used a scooter provided by the Kroger store.

12. This scooter allowed the Plaintiff to move around the Kroger store while sitting down.

13. After she finished shopping in the Kroger store, the Plaintiff exited the store—while still on the scooter—onto the parking lot immediately outside the store.

14. Upon information and belief, the parking lot immediately outside the Kroger store is owned and/or maintained by the Defendant, the Sembler Company.

15. Upon information and belief, the parking lot immediately outside the Kroger store is operated for the benefit of the Defendant, the Kroger Company, i.e. it allows potential customers to conveniently park in order to shop at its store.

16. As the Plaintiff was operating the scooter on the parking lot immediately outside the Kroger store, the wheel of her scooter became lodged in one of the gratings located on the same parking lot.

17. When the wheel of the scooter became lodged in one of the gratings, it caused the Plaintiff to fall from the scooter and strike the ground.

18. As a result of the fall, the Plaintiff sustained serious injuries.

**CAUSE OF ACTION: DANGEROUS CONDITION**

19. The Plaintiff re-alleges and incorporates Paragraphs 1 through 18 above as if specifically set forth verbatim.

20. The Defendants had a duty to maintain the parking lot which is the subject of this suit in a reasonably safe condition and/or guard from injuries by warning of dangerous conditions.

21. The Defendants knew of the gratings in the parking lot.

22. The Defendants knew or should have known that the gratings in the parking lot created an unreasonable risk for those individuals that traveled the parking lot in scooters provided by the Kroger store.

23. Upon information and belief, the Defendants provided no warning about the dangerous condition.

24. The Defendants failed to provide a safe and level parking lot free from dangerous conditions.

25. This dangerous condition was the legal cause of the Plaintiff's injuries.

26. This dangerous condition was the direct cause of the Plaintiff's injuries.

### **DAMAGES**

27. The Plaintiff reincorporates the allegations contained in Paragraphs 1 through 26 as though set forth verbatim.

28. As a direct and proximate consequence of the Defendants' acts and omissions, the Plaintiff incurred significant medical bills.

29. As a direct and proximate consequence of the Defendants' acts and omissions, the Plaintiff suffered injuries and damages, including but not limited to the following:

- a. Great physical pain and suffering;
- b. Great mental and emotional anguish;
- c. Great fright and shock;
- d. Impairment of the ability to enjoy the normal pleasures of life;
- e. Past and future medical expenses;
- f. Out of pocket expenses; and
- g. Such other, further and general relief appropriate under the law and evidence.

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff respectfully prays for the following:

1. That proper process is issued against the Defendants requiring them to answer;

2. That a jury of twelve persons is empaneled to hear this matter;
3. That the Plaintiff is awarded compensatory damages in an amount no less than SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00);
4. That this Court freely grants leave to the Plaintiffs to amend this complaint to conform with the facts of this matter as they are discovered;
5. That the Plaintiff is awarded prejudgment and post-judgment interest according to law; and
6. That the Plaintiffs is awarded such further relief as the Court may deem just and equitable.

Respectfully submitted,

ON BEHALF OF THE KING GRAY FIRM:



DAVID A. STOWERS, Tenn. Bar No. 27564  
1661 International Drive, Suite 400  
Memphis, Tennessee 38120  
Telephone: (901) 300-8212  
Telecopier: (901) 422-7098  
dstowers@wpglawfirm.com

BRIAN KING, Tenn. Bar No. 36392  
1331 Union Avenue, Suite 1152  
Memphis, Tennessee 38104  
Telephone: (901) 440-4444  
Telecopier: (800)-901-6470  
bking@kinginjuryfirm.com

DARYL A. GRAY, Bar No. 27781  
201 St. Charles Avenue, Suite 3206  
New Orleans, Louisiana 70170  
Telephone: (504) 500-0000  
Telecopier: (504) 324-0445  
daryl@wpglawfirm.com

*Attorneys for Ms. Hull*

(CIRCUIT/CHANCERY) COURT OF TENNESSEE  
 140 ADAMS AVENUE, MEMPHIS, TENNESSEE 38103  
 FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

ELECTRONICALLY FILED  
 2020 Oct 20 11:46 AM  
 CLERK OF COURT

### SUMMONS IN CIVIL ACTION

Docket No. CT-0273-20

☒ Lawsuit  
☐ Divorce

Ad Damnum \$ \_\_\_\_\_

DELORIS HULL

VS

THE SEMBLER COMPANY  
 THE KROGER COMPANY

Plaintiff(s)

Defendant(s)

TO: (Name and Address of Defendant (One defendant per summons))

THE SEMBLER COMPANY c/o  
 CT Corporation System  
 300 Montvue Road  
 Knoxville, TN 37919

Method of Service:

- ☐ Certified Mail  
☐ Shelby County Sheriff  
☐ Commissioner of Insurance (\$)  
☐ Secretary of State (\$)  
☐ Other TN County Sheriff (\$)  
☒ Private Process Server  
☐ Other

(\$ Attach Required Fees

You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and

serving a copy of your answer to the Complaint on **Brian King**

Plaintiff's

attorney, whose address is **1331 Union Avenue, Suite 1152, Memphis, TN 38104**

telephone **9014404444**

within THIRTY (30) DAYS after this summons has been served upon you, not including the day of service. If you fail to do so, a judgment by default may be taken against you for the relief demanded in the Complaint.

TEMIKA D. GIPSON, Clerk / W. AARON HALL, Clerk and Master

TESTED AND ISSUED \_\_\_\_\_ By \_\_\_\_\_, D.C.

TO THE DEFENDANT:

NOTICE; Pursuant to Chapter 919 of the Public Acts of 1980, you are hereby given the following notice:

Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed. These include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

FOR AMERICANS WITH DISABILITIES ACT (ADA) ASSISTANCE ONLY, CALL (901) 222-2341

I, TEMIKA D. GIPSON / W. AARON HALL, Clerk of the Court, Shelby County, Tennessee, certify this to be a true and accurate copy as filed this

\_\_\_\_\_ 20\_\_

TEMIKA D. GIPSON, Clerk / W. AARON HALL, Clerk and Master By: \_\_\_\_\_, D.C.

RETURN OF SERVICE OF SUMMONS

I HEREBY CERTIFY THAT I **HAVE** SERVED THE WITHIN SUMMONS:

By delivering on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ M. a copy of the summons

and a copy of the Complaint to the following Defendant \_\_\_\_\_

at \_\_\_\_\_

\_\_\_\_\_  
Signature of person accepting service

By: \_\_\_\_\_  
Sheriff or other authorized person to serve process

RETURN OF NON-SERVICE OF SUMMONS

I HEREBY CERTIFY THAT I **HAVE NOT** SERVED THE WITHIN SUMMONS:

To the named Defendant \_\_\_\_\_

because \_\_\_\_\_ is (are) not to be found in this County after diligent search and inquiry for the following

reason(s): \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

By: \_\_\_\_\_  
Sheriff or other authorized person to serve process



**The Shelby County, Tennessee Circuit Court**

**Case Style:** DELORIS HULL VS SEMBLER CO

**Case Number:** CT-0273-20

**Type:** SUMMONS ISSD TO MISC

Michal Nickelberry, DC

Electronically signed on 10/20/2020 12:16:21 PM



(CIRCUIT/CHANCERY) COURT OF TENNESSEE  
 140 ADAMS AVENUE, MEMPHIS, TENNESSEE 38103  
 FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

ELECTRONICALLY FILED  
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## SUMMONS IN CIVIL ACTION

Docket No. CT-0273-20

☒ Lawsuit  
☐ Divorce

Ad Damnum \$ \_\_\_\_\_

DELORIS HULL

 THE SEMBLER COMPANY  
 THE KROGER COMPANY

VS

Plaintiff(s)

Defendant(s)

TO: (Name and Address of Defendant (One defendant per summons))

 THE KROGER COMPANY c/o  
 Corporation Service Company  
 2908 Poston Avenue  
 Nashville, TN 37203

Method of Service:

- ☐ Certified Mail  
☐ Shelby County Sheriff  
☐ Commissioner of Insurance (\$)  
☐ Secretary of State (\$)  
☐ Other TN County Sheriff (\$)  
☒ Private Process Server  
☐ Other

(\$ Attach Required Fees

You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and

serving a copy of your answer to the Complaint on **Brian King**

Plaintiff's

attorney, whose address is **1331 Union Avenue, Suite 1152, Memphis, TN 38104**telephone **9014404444**

within THIRTY (30) DAYS after this summons has been served upon you, not including the day of service. If you fail to do so, a judgment by default may be taken against you for the relief demanded in the Complaint.

TEMIKA D. GIPSON, Clerk / W. AARON HALL, Clerk and Master

TESTED AND ISSUED \_\_\_\_\_ By \_\_\_\_\_, D.C.

TO THE DEFENDANT:

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FOR AMERICANS WITH DISABILITIES ACT (ADA) ASSISTANCE ONLY, CALL (901) 222-2341

I, TEMIKA D. GIPSON / W. AARON HALL, Clerk of the Court, Shelby County, Tennessee, certify this to be a true and accurate copy as filed this

\_\_\_\_\_  
20\_\_

TEMIKA D. GIPSON, Clerk / W. AARON HALL, Clerk and Master By: \_\_\_\_\_, D.C.

RETURN OF SERVICE OF SUMMONS

I HEREBY CERTIFY THAT I **HAVE** SERVED THE WITHIN SUMMONS:

By delivering on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ M. a copy of the summons  
and a copy of the Complaint to the following Defendant \_\_\_\_\_  
at \_\_\_\_\_

\_\_\_\_\_  
Signature of person accepting service

By: \_\_\_\_\_  
Sheriff or other authorized person to serve process

RETURN OF NON-SERVICE OF SUMMONS

I HEREBY CERTIFY THAT I **HAVE NOT** SERVED THE WITHIN SUMMONS:

To the named Defendant \_\_\_\_\_  
because \_\_\_\_\_ is (are) not to be found in this County after diligent search and inquiry for the following  
reason(s): \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

By: \_\_\_\_\_  
Sheriff or other authorized person to serve process



**The Shelby County, Tennessee Circuit Court**

**Case Style:** DELORIS HULL VS SEMBLER CO

**Case Number:** CT-0273-20

**Type:** SUMMONS ISSD TO MISC

Michal Nickelberry, DC

Electronically signed on 10/20/2020 12:16:21 PM

**IN THE CIRCUIT COURT OF TENNESSEE  
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS**

**DELORIS HULL,**

**Plaintiff,**

**V.**

**THE SEMBLER Co. and,  
THE KROGER Co.,**

**Defendants.**

**No. CT-0273-20**

## Div. II

## JURY DEMANDED

**MOTION OF ATTORNEY DAVID A. STOWERS FOR LEAVE TO WITHDRAW AS  
COUNSEL OF RECORD FOR PLAINTIFF**

**COMES NOW** the attorney of record/co-counsel and moves this Honorable Court to allow him to withdraw as attorney of record. He would further show that the Plaintiff is still being represented by Daryl A. Gray and Brian King, attorneys of record.

**WHEREFORE, PREMISES CONSIDERED,** Attorney David A. Stowers prays that this Court allows him to withdraw as attorney of record in the above-captioned cause of action.

Respectfully submitted,

David A. Stowers, Bar No. 27564

131 West Liberty

Covington, Tennessee 38109

Telephone: (901) 726-3854

Telecopier: (901) 726-3539

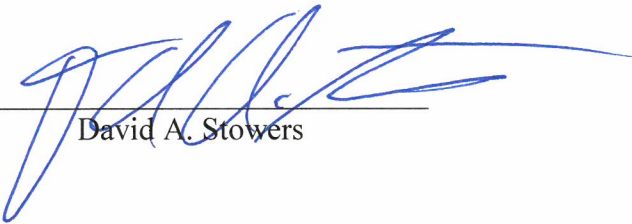
dave@huffmanfirm.com

**CERTIFICATE OF SERVICE**

I hereby certify that I have forwarded the following Motion to Withdraw to the following:

Daryl Gray, Esq.  
*Attorney for Plaintiff*  
201 St. Charles, Suite 3206  
New Orleans, Louisiana 70170  
daryl@wpglawfirm.com

Brian King, Esq.  
*Attorney for Plaintiff*  
1331 Union Avenue, Suite 1152  
Memphis, Tennessee 38104  
bking@kinginjuryfirm.com



---

David A. Stowers

Service of Process  
by  
SSI Process Server

(CIRCUIT/CHANCERY) COURT OF TENNESSEE  
140 ADAMS AVENUE, MEMPHIS, TENNESSEE 38103  
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

## SUMMONS IN CIVIL ACTION

**SERVED**Docket No. CT-0273-20

☒ Lawsuit  
☐ Divorce

Ad Damnum \$ \_\_\_\_\_

DELORIS HULL

THE SEMBLER COMPANY  
THE KROGER COMPANY

VS

**FILED**  
NOV 12 2020

Plaintiff(s)

CIRCUIT COURT CLERK Defendant(s)

BY \_\_\_\_\_

D.C.

TO: (Name and Address of Defendant (One defendant per summons))

Method of Service:

THE KROGER COMPANY c/o  
Corporation Service Company  
2908 Poston Avenue  
Nashville, TN 37203

- ☐ Certified Mail  
☐ Shelby County Sheriff  
☐ Commissioner of Insurance (\$)  
☐ Secretary of State (\$)  
☐ Other TN County Sheriff (\$)  
☒ Private Process Server  
☐ Other

(\$ Attach Required Fees

You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and

serving a copy of your answer to the Complaint on Brian King

Plaintiff's

attorney, whose address is 1331 Union Avenue, Suite 1152, Memphis, TN 38104

telephone 9014404444

within THIRTY (30) DAYS after this summons has been served upon you, not including the day of service. If you fail to do so, a judgment by default may be taken against you for the relief demanded in the Complaint.

TEMIKA D. GIPSON, Clerk / W. AARON HALL, Clerk and Master

TESTED AND ISSUED \_\_\_\_\_ By \_\_\_\_\_, D.C.

TO THE DEFENDANT:

NOTICE; Pursuant to Chapter 919 of the Public Acts of 1980, you are hereby given the following notice:

Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed. These include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

FOR AMERICANS WITH DISABILITIES ACT (ADA) ASSISTANCE ONLY, CALL (901) 222-2341

I, TEMIKA D. GIPSON / W. AARON HALL, Clerk of the Court, Shelby County, Tennessee, certify this to be a true and accurate copy as filed this

\_\_\_\_\_, 20\_\_

TEMIKA D. GIPSON, Clerk / W. AARON HALL, Clerk and Master By: \_\_\_\_\_, D.C.

204728

I HEREBY CERTIFY THAT I HAVE SERVED THE WITHIN SUMMONS:

By delivering on the 4 day of NOVEMBER, 2020 at 10:40 A M. a copy of the summons and a copy of the Complaint to the following Defendant THE KROGER COMPANY C/O CORPORATION SERVICE COMPANY CHATT  
at 2908 POSTON AVENUE, NASHVILLE, TN 37203  
GOV

Signature of person accepting service

By:

Bruce Cooper  
Sheriff or other authorized person to serve process

RETURN OF NON-SERVICE OF SUMMONS

I HEREBY CERTIFY THAT I HAVE NOT SERVED THE WITHIN SUMMONS:

To the named Defendant \_\_\_\_\_

because \_\_\_\_\_ is (are) not to be found in this County after diligent search and inquiry for the following reason(s): \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_

Sheriff or other authorized person to serve process

AFFIDAVIT OF SERVICE

State of Tennessee

County of Shelby

Circuit Court Court

Case Number: CT-0273-20



PNL2020004728

Plaintiff:  
DELORIS HULL

vs.

Defendant:  
THE SEMBLER COMPANY; THE KROGER COMPANY

Received by JSSI Process Server on the 26th day of October, 2020 at 12:19 pm to be served on THE KROGER COMPANY C/O CORPORATION SERVICE COMPANY, 2908 POSTON AVENUE, NASHVILLE, TN 37203.

I, RICKY COOPER, being duly sworn, depose and say that on the 4th day of November, 2020 at 10:46 am, I:

served a CORPORATION by delivering a true copy of the SUMMONS IN CIVIL ACTION; COMPLAINT with the date and hour of service endorsed thereon by me, to: THE KROGER COMPANY C/O CORPORATION SERVICE COMPANY CATHY JONES, AUTHORIZED PERSON as AGENT for THE KROGER COMPANY C/O CORPORATION SERVICE COMPANY, at the address of: 2908 POSTON AVENUE, NASHVILLE, TN 37203, and informed said person of the contents therein, in compliance with state statutes.

Additional Information pertaining to this Service:

11/4/2020 10:46 am SERVICE COMPLETE at 2908 POSTON AVENUE, NASHVILLE, TN 37203

Description of Person Served: Age: 30, Sex: F, Race/Skin Color: White, Height: NA, Weight: NA, Hair: Black, Glasses: N

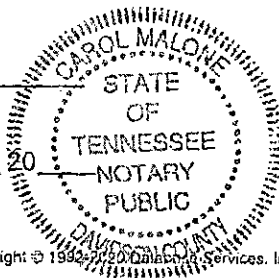
I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served. I have personal knowledge of the facts stated herein and they are true and correct.

Subscribed and Sworn to before me on

5th day of November, 2020  
by the affiant who is personally known to  
me or produced identification.

X Carol Malone  
NOTARY PUBLIC

My Commission Expires 7/3/23



RICKY COOPER  
Process Server

JSSI Process Server  
3485 Poplar Avenue  
Suite 207  
Memphis, TN 38111  
(901) 324-7006

Our Job Serial Number: PNL-2020004728  
Ref: CT-0273-20



Service of Process  
by  
SSI Process Server

(CIRCUIT/CHANCERY) COURT OF TENNESSEE  
140 ADAMS AVENUE, MEMPHIS, TENNESSEE 38103  
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

**SERVED**

**SUMMONS IN CIVIL ACTION**

Docket No. CT-0273-20

☒ Lawsuit  
☐ Divorce

Ad Damnum \$ \_\_\_\_\_

DELORIS HULL

VS

THE SEMBLER COMPANY  
THE KROGER COMPANY

**FILED**  
NOV 12 2020  
CIRCUIT COURT CLERK  
BY \_\_\_\_\_ D.C.

Plaintiff(s)

Defendant(s)

TO: (Name and Address of Defendant (One defendant per summons))

THE SEMBLER COMPANY c/o  
CT Corporation System  
300 Montvue Road  
Knoxville, TN 37919

Method of Service:

- ☐ Certified Mail  
☐ Shelby County Sheriff  
☐ Commissioner of Insurance (\$)  
☐ Secretary of State (\$)  
☐ Other TN County Sheriff (\$)  
☒ Private Process Server  
☐ Other

(\$ Attach Required Fees

You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and

serving a copy of your answer to the Complaint on **Brian King**

Plaintiff's

attorney, whose address is **1331 Union Avenue, Suite 1152, Memphis, TN 38104**

telephone **9014404444**

within THIRTY (30) DAYS after this summons has been served upon you, not including the day of service. If you fail to do so, a judgment by default may be taken against you for the relief demanded in the Complaint.

TEMIKA D. GIPSON, Clerk / W. AARON HALL, Clerk and Master

TESTED AND ISSUED \_\_\_\_\_ By \_\_\_\_\_, D.C.

TO THE DEFENDANT:

NOTICE; Pursuant to Chapter 919 of the Public Acts of 1980, you are hereby given the following notice:

Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed. These include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

FOR AMERICANS WITH DISABILITIES ACT (ADA) ASSISTANCE ONLY, CALL (901) 222-2341

I, TEMIKA D. GIPSON / W. AARON HALL, Clerk of the Court, Shelby County, Tennessee, certify this to be a true and accurate copy as filed this

20\_\_

TEMIKA D. GIPSON, Clerk / W. AARON HALL, Clerk and Master By: \_\_\_\_\_, D.C.

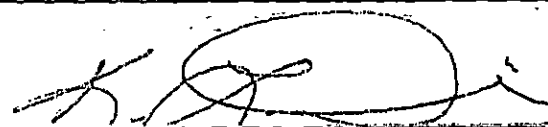
204729

I HEREBY CERTIFY THAT I HAVE SERVED THE WITHIN SUMMONS:

By delivering on the 29 day of OCTOBER, 2020 at 11:44 A M. a copy of the summons and a copy of the Complaint to the following Defendant THE SEMBLER COMPANY, SAMANTHA SUTTON AUTHORIZED PERSON at 300 MONTVUE ROAD, KNOXVILLE, TN 37919

Signature of person accepting service

By:

  
Sheriff or other authorized person to serve process

RETURN OF NON-SERVICE OF SUMMONS

I HEREBY CERTIFY THAT I HAVE NOT SERVED THE WITHIN SUMMONS:

To the named Defendant \_\_\_\_\_

because \_\_\_\_\_ is (are) not to be found in this County after diligent search and inquiry for the following reason(s): \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By:

\_\_\_\_\_  
Sheriff or other authorized person to serve process

**AFFIDAVIT OF SERVICE**

State of Tennessee

County of Shelby

Circuit Court Court

Case Number: CT-0273-20

Plaintiff:  
DELORIS HULL

vs.

Defendant:  
THE SEMBLER COMPANY; THE KROGER COMPANY



PNL2020004729

Received by JSSI Process Server on the 26th day of October, 2020 at 12:19 pm to be served on THE SEMBLER COMPANY C/O CT CORPORATION SYSTEM, 300 MONTVUE ROAD, KNOXVILLE, TN 37919.

I, KEN DAVIS, being duly sworn, depose and say that on the 29th day of October, 2020 at 11:44 am, I:

served a CORPORATION by delivering a true copy of the SUMMONS IN CIVIL ACTION; COMPLAINT with the date and hour of service endorsed thereon by me, to: THE SEMBLER COMPANY C/O CT CORPORATION SYSTEM SAMANTHA SUTTON, AUTHORIZED PERSON as AGENT for THE SEMBLER COMPANY C/O CT CORPORATION SYSTEM, at the address of: 300 MONTVUE ROAD, KNOXVILLE, TN 37919, and informed said person of the contents therein, in compliance with state statutes.

**Additional Information pertaining to this Service:**

10/29/2020 11:44 am SERVICE COMPLETE at 300 MONTVUE ROAD, KNOXVILLE, TN 37919

Description of Person Served: Age: 30, Sex: F, Race/Skin Color: White, Height: 5'7, Weight: 140, Hair: Brown, Glasses: N

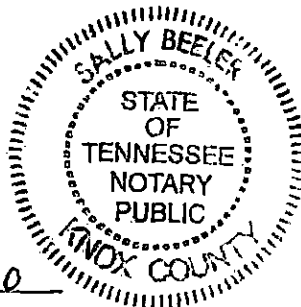
I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served. I have personal knowledge of the facts stated herein and they are true and correct.

Subscribed and Sworn to before me on

4th day of November 2020  
by the affiant who is personally known to  
me or produced identification.

Sally Beele  
NOTARY PUBLIC

My Commission Expires 07/26 2023



KEN DAVIS  
Process Server

JSSI Process Server  
3485 Poplar Avenue  
Suite 207  
Memphis, TN 38111  
(901) 324-7006

Our Job Serial Number: PNL-2020004729  
Ref: CT-0273-20

**ALIAS SUMMONS IN CIVIL ACTION**

Docket No. CT-0273-20, Div II

☒ Lawsuit  
☐ Divorce

Ad Damnum \$ \_\_\_\_\_

DELORIS HULL

VS

THE SEMBLER COMPANY and  
THE KROGER COMPANY

Plaintiff(s)

Defendant(s)

TO: (Name and Address of Defendant (One defendant per summons))

THE SEMBLER COMPANY  
c/o REGISTERED AGENT SOLUTIONS, INC., Registered Agent  
992 DAVIDSON DRIVE, SUITE B  
NASHVILLE, TN 37205-1051

Method of Service:

- ☒ Certified Mail  
☐ Shelby County Sheriff  
☐ Commissioner of Insurance (\$)  
☐ Secretary of State (\$)  
☐ Other TN County Sheriff (\$)  
☐ Private Process Server  
☐ Other

(\$ Attach Required Fees

You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and

serving a copy of your answer to the Complaint on **Brian King**

Plaintiff's

attorney, whose address is **1331 Union Avenue, Suite 1152, Memphis, TN 38104**

telephone **901-440-4444**

within THIRTY (30) DAYS after this summons has been served upon you, not including the day of service. If you fail to do so, a judgment by default may be taken against you for the relief demanded in the Complaint.

TEMIKA D. GIPSON, Clerk / W. AARON HALL, Clerk and Master

TESTED AND ISSUED \_\_\_\_\_ By \_\_\_\_\_, D.C.

TO THE DEFENDANT:

NOTICE; Pursuant to Chapter 919 of the Public Acts of 1980, you are hereby given the following notice:

Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed. These include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

FOR AMERICANS WITH DISABILITIES ACT (ADA) ASSISTANCE ONLY, CALL (901) 222-2341

I, TEMIKA D. GIPSON / W. AARON HALL, Clerk of the Court, Shelby County, Tennessee, certify this to be a true and accurate copy as filed this

\_\_\_\_\_ 20\_\_

TEMIKA D. GIPSON, Clerk / W. AARON HALL, Clerk and Master By: \_\_\_\_\_, D.C.

RETURN OF SERVICE OF SUMMONS

I HEREBY CERTIFY THAT I **HAVE** SERVED THE WITHIN SUMMONS:

By delivering on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ M. a copy of the summons  
and a copy of the Complaint to the following Defendant \_\_\_\_\_  
at \_\_\_\_\_

\_\_\_\_\_  
Signature of person accepting service

By: \_\_\_\_\_  
Sheriff or other authorized person to serve process

RETURN OF NON-SERVICE OF SUMMONS

I HEREBY CERTIFY THAT I **HAVE NOT** SERVED THE WITHIN SUMMONS:

To the named Defendant \_\_\_\_\_  
because \_\_\_\_\_ is (are) not to be found in this County after diligent search and inquiry for the following  
reason(s): \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

By: \_\_\_\_\_  
Sheriff or other authorized person to serve process



**The Shelby County, Tennessee Circuit Court**

**Case Style:** DELORIS HULL VS SEMBLER CO

**Case Number:** CT-0273-20

**Type:** SUMMONS ISSD TO MISC

Michal Nickelberry, DC

Electronically signed on 11/25/2020 10:31:21 AM

DELORES HULL

Plaintiff,

V.

THE SEMBLER CO. AND  
THE KROGER CO.

Defendants.

Docket No.: CT-0273-20  
Div. II

# JURY DEMANDED

## NOTICE OF FILING NOTICE OF REMOVAL

**PLEASE TAKE NOTICE** that Defendant, The Kroger Company (hereinafter collectively “Kroger” or “Defendant”), by and through its counsel, hereby gives notice to the Circuit Court for Shelby County, Tennessee, and to David A. Stowers, Brian King, and Daryl A. Gray, attorneys for Plaintiff, and Joe Broy, attorney for The Sembler Co., that the Defendant has filed a Notice of Removal with the United States District Court for the Western District of Tennessee, and that this case has been removed to that court. A copy of the Notice of Removal is attached hereto.

**LEWIS, THOMASON, KING, KRIEG  
& WALDROP, P.C.**

By: s/Christopher L. Vescovo

CHRISTOPHER L. VESCOVO (14516)

LAURA L. DEAKINS (30131)

*Attorneys for Defendants, Kroger Limited*

### Partnership I and The Kroger Company

40 South Main Street, Suite 2900

Memphis, TN 38103

(901) 525-8721

[cvescovo@lewisthomason.com](mailto:cvescovo@lewisthomason.com)

[Ideakins@lewisthomason.com](mailto:Ideakins@lewisthomason.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on the 30th day of November, 2020, a copy of the foregoing pleading has been delivered to all parties at interest in this cause via electronic mail, ECF, and/or by placing a copy of same in the United States mail, postage prepaid, in a properly addressed envelope, or by delivering same to each party or party's attorney as follows:

<input type="checkbox"/> Hand	David A. Stowers (27564)
<input type="checkbox"/> Mail	1661 International Drive, Suite 400
<input type="checkbox"/> Fax	Memphis, TN 38120
<input type="checkbox"/> Fed X	(901) 300-8212
<input type="checkbox"/> EFS	dstowers@wpglawfirm.com
<input checked="" type="checkbox"/> E-mail	<i>Attorney for Plaintiff</i>
<input type="checkbox"/> Hand	Brian King (36392)
<input type="checkbox"/> Mail	1331 Union Ave., Suite 1152
<input type="checkbox"/> Fax	Memphis, TN 38104
<input type="checkbox"/> Fed X	(901) 440-4444
<input type="checkbox"/> EFS	bking@kinginjuryfirm.com
<input checked="" type="checkbox"/> E-mail	<i>Attorney for Plaintiff</i>
<input type="checkbox"/> Hand	Daryl A. Gray (27781)
<input type="checkbox"/> Mail	201 St. Charles Ave., Suite 3206
<input type="checkbox"/> Fax	New Orleans, LA 70170
<input type="checkbox"/> Fed X	(504) 500-0000
<input type="checkbox"/> EFS	daryl@wpglawfirm.com
<input checked="" type="checkbox"/> E-mail	<i>Attorney for Plaintiff</i>
<input type="checkbox"/> Hand	Joe Broy
<input type="checkbox"/> Mail	Law Offices of Scott C. Campbell
<input type="checkbox"/> Fax	6750 Poplar, Suite 601, Germantown,
<input type="checkbox"/> Fed X	TN 38138
<input type="checkbox"/> EFS	Direct: (901) 356-5976
<input checked="" type="checkbox"/> E-mail	<u>jbroy@travelers.com</u>
	<i>Attorney for The Sembler Co.</i>

s/Christopher L. Vescovo

10010930